

**BEFORE THE INDIANA CIVIL RIGHTS COMMISSION  
311 West Washington Street  
Indianapolis, Indiana 46204**

**STATE OF INDIANA    )  
                                  ) SS  
COUNTY OF MARION )**

**MAURICE WASILY GEORGES,  
Complainant,**

**DOCKET NO. EMrt78020139**

**vs.**

**LOTUS, INC. d/b/a LOTUS  
GARDEN RESTAURANT,  
Respondent.**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND ORDER**

The above-captioned claim was the subject of an administrative hearing on February 15, 1979, in the rooms of the Indiana Civil Rights Commission before Presiding Officer John C. Carvey and Commissioners C. T. Boyd, James A. Lang, Mary W. Shafer and David Staples.

Complainant was present and represented by M.E. Tuke and Alice M. Craft. Respondent was represented by Charles W. Symmes.

Having considered the record of the above-captioned claim, the evidence adduced at hearing, the arguments of counsel including the Proposed Findings of Fact, Conclusions of Law and Order, the applicable law and being duly advised in the premises, the Commission hereby enters the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. The Complainant, Maurice Wasily Georges, was an employee of the Respondent, Lotus Garden – Greenwood, on February 24, 1978, and had been employed by the Respondent for approximately nineteen (19) months.

2. Lotus Garden Restaurant is owned and operated by Lotus, Inc.
3. Lum Lee is, and was at all times relevant to this Complaint, the manager of Lotus Garden Restaurant.
4. As manager of Lotus Garden Restaurant, Lum Lee had the power to hire and fire employees of Lotus Garden Restaurant.
5. On February 20, 1978, the Complainant filed a Complaint with this Commission against Respondent charging that his fellow employees discriminated against him because they hit him.
6. On February 24, 1978, Lum Lee received a copy of this Complaint.
7. After receipt of this letter, Lum Lee approached Complainant and asked him into the office to talk about the Complaint.
8. Complainant explained that he filed the Complaint because fellow employees hit him in the head and kicked him.
9. While walking toward the office with Lum Lee the Complainant became, without justification or excuse, insubordinate and verbally hostile toward Lum Lee.
10. Lum Lee indicated to Complainant that he did not have to be so hostile.
11. Complainant's inexcusable insubordination and his verbal hostility toward Lum Lee, caused Lum Lee to discharge Complainant on February 24, 1978.
12. Complainant was discharged for insubordination, and was not discharged in retaliation for Complainant filing a Complaint with the Commission.
13. Thereafter, Complainant timely filed with this Commission a Complaint against Respondent alleging that his discharge was in retaliation for his filing his earlier Complaint. This Complaint is the subject of this hearing.
14. Respondent, Lotus, Inc., has employed more than six (6) employees at all relevant times during the processing of this Complaint.
15. Any conclusion of law which should have been deemed a Finding of Fact is hereby adapted as such.

### **CONCLUSIONS OF LAW**

1. Georges (hereinafter Complainant) is a citizen of the State of Indiana (See IC 22-9-1-2(a), as that term is interpreted in *Hariharan v. George A. Olive & Co.*, Docket Number 08081, on May 15, 1978.
2. Lotus, Inc., d/b/a Lotus Garden Restaurant, is an “employer as defined in IC 22-9-1-3(h).
3. Lotus, Inc., d/b/a Lotus Garden Restaurant (hereinafter Respondent), is a “person” as defined in IC 22-9-1-3(a).
4. Complainant is a “person” as defined in IC 22-9-1-3(a).
5. The Complaint was timely filed under IC 22-9-1-3(o).
6. The Commission has jurisdiction over the subject matter and the parties.
7. The Respondent, and its manager, Lum Lee, discharged Complainant for unjustified insubordination, and not in retaliation for his filing a Complain against Respondent with this Commission.
8. Lotus, Inc, and its manager, Lum Lee, did not commit a “discriminatory Practice”, as that term is defined in IC 22-9-1-3(t) when it discharged Complainant.
9. Any Finding of Fact which should have been deemed a Conclusion of Law is hereby adapted as such.

### **ORDER**

The Complainant, Maurice Wasily Georges, shall take nothing by way of his Complaint.

**Dated: April 20, 1979**